

EDITH WINIFRED HENDERSON

FEBRUARY 19 (legislative day, JANUARY 29), 1951.—Ordered to be printed

Mr. McCARRAN, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. 356]

The Committee on the Judiciary, to which was referred the bill (S. 356) for the relief of Edith Winifred Henderson, having considered the same, reports favorably thereon with an amendment in the nature of a substitute and recommends that the bill, as amended, do pass.

AMENDMENT

Strike all after the enacting clause and insert in lieu thereof the following:

That for the purposes of the immigration and naturalization laws, Edith Winifred Henderson shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fee and head tax. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available: *Provided*, That there be given a suitable and proper bond or undertaking, approved by the Attorney General, in such amount and containing such conditions as he may prescribe, to the United States and to all States, Territories, counties, towns, municipalities, and districts thereof holding the United States and all States, Territories, counties, towns, municipalities, and districts thereof harmless against Edith Winifred Henderson becoming a public charge.

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to grant the status of permanent residence in the United States to Edith Winifred Henderson. The bill provides for a proper quota deduction and for the payment of the required visa fee and head tax. Provision has also been made for the posting of a bond as a guaranty that the alien will not become a public charge.

STATEMENT OF FACTS

The beneficiary of the bill is a 57-year-old native of the British West Indies, and a subject of Great Britain who last entered the United States on May 7, 1950, for a temporary period. She is presently residing in Londonderry, Vt. with a sister and brother-in-law, Mr. and Mrs. Miner E. Fenn. The beneficiary of the bill has been classified as mentally defective and her sister and brother-in-law state that they are willing and able to take proper care of her in the United States.

A letter dated November 10, 1950, to the chairman of the Senate Committee on the Judiciary with reference to S. 3908, which was a bill introduced in the Eighty-first Congress for the relief of the same alien, reads as follows:

NOVEMBER 10, 1950.

HON. PAT MCCARRAN,
*Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.*

MY DEAR SENATOR: This is in response to your request for the views of the Department of Justice relative to the bill (S. 3908) for the relief of Edith Winifred Henderson, an alien.

The bill would provide that, notwithstanding the provisions of section 3 of the Immigration Act of February 5, 1917, as amended, Edith Winifred Henderson shall be deemed eligible for permanent residence if otherwise admissible, and, further, shall be deemed to have entered the United States for permanent residence as of the date of her last entry.

The files of the Immigration and Naturalization Service of this Department disclose that Miss Henderson is a subject of Great Britain and a native of the British West Indies, having been born in Brownstone, St. Ann, Jamaica, British West Indies, on November 10, 1893. She last entered the United States at Highgate Springs, Vt., on May 7, 1950, when she was admitted as a visitor under section 3 (2) of the Immigration Act of 1924, for a period to expire on November 7, 1950, upon the filing of a \$1,000 departure and public charge bond. Her admission to this country was predicated upon an order of the Board of Immigration Appeals to the effect that if she was found to be admissible other than as one mentally defective, her temporary admission be authorized for a period not in excess of 6 months under the ninth proviso to section 3 of the act of February 5, 1917.

The files further reflect that the alien, together with a practical nurse, Winifred Vernon, first applied for admission to this country on July 22, 1947, under section 3 (3) of the Immigration Act of 1924, destined to the alien's brother, Dr. Arthur Henderson, in Montreal, Canada. The alien was certified as "mentally deficient, class A." She was admitted in transit to Canada for a period of 48 hours under the ninth proviso to section 3 of the act of 1917, conditioned upon the filing of a public charge and departure bond. She was again admitted to the United States in transit to Jamaica on October 10, 1947, departing on October 21, 1947. On June 28, 1949, she was admitted at Miami, Fla., for a temporary period, destined to her sister, Mrs. Miner E. Fenn, in Londonderry, Vt. She remained in this country until November 1949, when she proceeded to Canada to visit her brother.

According to Mrs. Fenn, the alien is unable to care for herself and it is therefore the intention of Mr. and Mrs. Fenn to care for her in their home. Mr. Fenn stated that he is a retired agriculturist, that in late years he has resided in the British West Indies, that Miss Henderson has no relatives now residing in the British West Indies, and that he has sufficient means to assume responsibility for her.

Miss Henderson is inadmissible to the United States under the provisions of section 3 of the Immigration Act of 1917, as one who was certified as being mentally deficient. The record fails, however, to present considerations justifying the enactment of special legislation granting her a preference over other aliens who are excludable under section 3 of the 1917 act, the provisions of which were enacted by Congress for the protection of the American public.

Accordingly, this Department is unable to recommend enactment of the measure.

Yours sincerely,

PEYTON FORD,
Deputy Attorney General.

Senator Ralph E. Flanders, the author of the bill, has submitted the following information in connection with the case:

MEMORANDUM ON S. 3908, FOR THE RELIEF OF EDITH WINIFRED HENDERSON

The above named is a native of Jamaica, British West Indies, of the white race, single, and 56 years of age. She has never been arrested or in any difficulty with law-enforcement officers, either State or Federal.

Miss Henderson is presently in the United States under a waiver granted to her by the immigration authorities because of her mental deficiency and is presently visiting her sister and brother-in-law, Mr. and Mrs. Miner E. Fenn in Londonderry, Vt. She is not now engaged in any gainful occupation but has in her own right cash and stocks and other assets in Jamaica and Canada in excess of \$11,000. She is not now dependent on any other person for her support, but her sister and brother-in-law are the owners of a house and 25 acres of land in Londonderry and are willing and able to care for and provide for Miss Henderson.

On October 4, 1947, Miss Henderson was certified by two surgeons of the United States Public Health Service in Montreal, Canada, to be mentally defective, class A. By a decision of the Board of Immigration Appeals dated September 19, 1947, she was characterized as being "very friendly to people with whom she comes into contact". Under previous waivers granted to her for admission into the United States, she has traveled and visited here. She is now accompanied by a nurse companion whom she employs.

Miss Henderson is not now engaged in any activity, political or otherwise, which is injurious to the American public interest. She has no relatives in Jamaica and until recently Mrs. Fenn cared for her there. Mrs. Fenn has, however, returned to the United States, the country of her citizenship and that of her husband. There is no possibility that Miss Henderson will become a public charge or interfere in any way with the peace and order of any community.

RALPH E. FLANDERS,
United States Senator.

UNITED STATES SENATE,
Washington, D. C., December 15, 1950.

Re S. 3908, Edith Winifred Henderson.

Hon. PAT McCARRAN,
United States Senate, Washington, D. C.

DEAR SENATOR: I hereby request reconsideration of the private bill for the relief of Edith Winifred Henderson.

Miss Henderson is a 56-year-old lady who suffers from a certain simplicity of mind but who would otherwise not be an undesirable resident of the United States so far as I know. She was born in the Western Hemisphere, and there is no quota problem. She is presently here on a visitor's permit and has always abided by the terms of her admission. I understand that an application is pending to extend this permit as Miss Henderson has no intention of remaining in the United States illegally.

Attached are letters signed by Colonel Curphey, Dr. Henderson, Reverend Chaperlin, Judge Campbell and others attesting to the character of Miss Henderson, and her sister and brother-in-law, Mr. and Mrs. Fenn of Vermont. Denial of this bill will require Miss Henderson to separate from her sister who is caring for her and necessitates her departure to Jamaica where she has no family ties.

The extreme hardship which would result in such action has heretofore motivated Congress to pass private legislation under similar circumstances (Private Law 424, 80th Cong.). I believe that a reconsideration is proper and I hope it may result in favorable action on this bill.

Sincerely yours,

RALPH E. FLANDERS.

JAMAICA, BRITISH WEST INDIES,
August 5, 1950.

The SENATE IMMIGRATION COMMITTEE,
Washington, D. C.

GENTLEMEN: With reference to the application of Mr. and Mrs. Miner E. Fenn that Mrs. Fenn's sister, Miss Winifred Henderson be permitted to obtain permanent residential status in the United States, I have the honor to state that I have known Mr. and Mrs. Fenn for many years.

Mrs. Fenn's father was one of the most eminent and beloved ministers of the Baptist Church in Jamaica, who with his wife set the highest possible standard of Christian love and unselfishness, in his district, and in Jamaica in general.

Mr. Fenn is a native-born United States citizen, and both himself and his wife are anxious to remain in the land of their citizenship.

The Reverend Mr. Henderson and his wife, the parents of Mrs. Fenn, and Miss Henderson, died many years ago, and Mrs. Fenn has long acted as the guardian of her sister, Miss Henderson.

From my intimate knowledge of the family I am of the opinion that there are no relatives left in Jamaica who are in a position to assume the guardianship of, or any responsibility for Miss Henderson.

It appears imperative therefore that the present relation of Mrs. Fenn, as guardian to Miss Henderson, should continue, and apparently this can only be assured by the passage of a bill granting permanent residential status in the United States to Miss Henderson, or by the return of the family to Jamaica where they no longer have any direct interest or family ties.

As far as the health of Miss Henderson herself is concerned, she has been under my medical care for many years, and I find her to be in good physical health, and apart from a certain simplicity of mind, and nervousness in the presence of strangers, I consider that she would not be an undesirable citizen.

From my knowledge of the financial position of Mr. and Mrs. Fenn, I am also of the opinion that Miss Henderson would never be likely to become a charge on public funds in the United States.

I have the honor to be sir,
Your obedient servant,

Col. A. G. CURPHEY,
Member of the Legislative Council of Jamaica; Custos (honorary representative of His Excellency, the Governor, and Senior Magistrate for the Parish) St. Ann, Jamaica.

MONTREAL, QUEBEC, August 7, 1950.

To the Honorable CHAIRMAN OF THE COMMITTEE ON IMMIGRATION,
United States Senate, Washington, D. C.

Sir: I am writing on behalf of my sister, Miss Edith Winifred Henderson, for whose admission as a permanent resident of the United States a private bill, S. 3908, has been introduced by Senator Flanders on July 12.

Our family resided in Jamaica, British West Indies, for a great many years, our father a clergyman in the Brown's Town Baptist Church for 50 years, having received his education at Colgate University, Hamilton, N. Y. Our father and mother have both died, and our property in Jamaica is disposed of.

My sister, Elsie K. Fenn, and her husband, Miner E. Fenn, are both citizens of the United States and own property in Vermont, where they intend to make a permanent home. My sister, Edith Winifred, is a special care of the Fenns, and I would respectfully request that sympathetic attention be directed toward the passage of this bill. I might emphasize the fact that it is essential that Edith Winifred should reside with the Fenns who have severed their connections with Jamaica and are very desirous of living their lives in their own country.

My sister, Edith Winifred, is financially independent by virtue of funds left her from our father's estate and also from our brother who was professor of English at Dartmouth University. We had her in our home in Montreal all last winter, and she was most agreeable, thoughtful, peaceful, and loving, and presented no problem whatever.

For myself, I may be permitted to say that I have been physician on the staff of the Royal Victoria Hospital, Montreal, and now on the honorary attending staff, and assistant professor of medicine at McGill University until 2 years ago when I retired on account of age limit. I am at present the third vice president of the American College of Physicians.

In respect to the Fenns, Miner is the soul of integrity and a most worthy citizen who can be depended upon to the fullest extent, and the same can be said of his wife.

Respectfully yours,

ARTHUR T. HENDERSON, M. D., F. A. C. P.

LANDGROVE, Vt., August 3, 1950.

SENATE IMMIGRATION COMMITTEE,
Washington, D. C.

GENTLEMEN: I write in behalf of S. 3908 which would permit Miss Edith W. Henderson, my wife's sister, to enter the United States permanently.

Miss Henderson is 55 years of age. She has sufficient funds to enable her to be financially independent, and in the event she should need financial assistance I would undertake to furnish such assistance.

Miss Henderson is, to quote her physician, "very friendly, obedient, and unselfish, showing much affection for her friends". Her behavior is quiet and normal. She is fit to travel without likelihood of illness, either physical or mental.

My wife and I desire to have Miss Henderson with us permanently in the United States, and I respectfully urge your favorable consideration of this bill.

Very truly yours,

MINER E. FENN.

STATE OF VERMONT,
PROBATE COURT, DISTRICT OF MANCHESTER
July 29, 1950.

SENATE IMMIGRATION COMMITTEE,
Washington, D. C.

GENTLEMEN: You are advised that I have been personally acquainted with Miner E. Fenn of Landgrove, Vt., for a period of over 2 years.

Mr. Fenn has an excellent reputation in his district. He is a man known for his integrity and honesty, and I feel certain that he will perform to the best of his ability any commitment which he undertakes.

Very truly yours,

JAMES B. CAMPBELL,
Judge.

The bill has been amended to conform with the policy of the committee in granting permanent residence in the United States to an alien as of the date of the adjustment rather than as of the date of last entry into the United States.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (S. 356), as amended, should be enacted.

OFFICE OF THE ATTORNEY GENERAL
STATE OF NEW YORK
ALBANY, N. Y.
JANUARY 1, 1900

SIR:
I have the honor to acknowledge the receipt of your letter of the 29th inst. in relation to the proposed amendment to the Constitution of the State of New York, which provides for the election of the Governor and the members of the Legislature by the people.

I am sorry to hear that you are dissatisfied with the result of the recent election. It is, however, the will of the people, and it is the duty of the Government to carry out their wishes.

I am, Sir, very respectfully,
Yours truly,
J. B. ALLEN, Attorney General.